

Remarks

Applicants respectfully request reconsideration of this application. Claims 1, 3-8, 10-21 and 23-28 have been amended. No claims have been canceled. No claims have been added.

The amendments to the claims are made only to place the claims in what Applicants consider to be better form and not in response to the rejections. Applicants do not believe any amendment is needed to comply with any requirement of patentability.

The amendments to the specification are made to update a cross-reference to a related application or to correct typographical or administrative errors. No new matter has been added.

Rejections Under 35 U.S.C. § 102

Claims 1-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Herz et al. (U.S. Patent No. 5,835,087, herein referred to as "*Herz*"). Applicants respectfully submit that the present claims are patentable over *Herz*. In particular, independent claims 1, 14, 27 and 28 each are directed towards addressing a communication. *Herz*, on the other hand, is directed towards evaluating summaries of user's interests against target objects. Accordingly, *Herz*'s disclosure does not teach or suggest all of the elements of the Applicants' claims.

Specifically, for example, independent claim 1 includes the limitation: "presenting the suggested recipient to a sender of the communication for selection as a confirmed

AMENDMENTS TO THE DRAWINGS

A Submission of Formal Drawings is submitted herewith to overcome Examiner's objections.

In addition, please amend Figures 17A, 18A, 18B, 18C and 19 to correct typographical errors. These amendments are consistent with the specification as filed. Applicants submit that no new matter has been added. Annotated Marked-Up Drawings are included for the Examiner's convenience. Replacement sheets are included as part of the Submission of Formal Drawings. Applicants respectfully request withdrawal of the objections to the drawings.

recipient” (emphasis added). Independent claims 14, 27 and 28 each have a similar limitation. *Herz* does not disclose or suggest such a limitation.

Examiner cites *Herz*, “col. 5, line 6 to col. 6, line 60, col. 74, line 74, lines 22-55 and col. 75 line to col. 76, line 51” as disclosing the above limitation. However, Applicants have examined *Herz*, including the above sections and all of col. 75, and have found no disclosure or suggestion of “presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient,” as required by claim 1.

Although *Herz* discloses that target objects may be another person to correspond with (*Herz*, col. 6, line 13), which Examiner may have correlated to the “suggested recipient” of claim 1, *Herz* does not disclose or suggest that this other person is presented to a sender of a communication. *Herz* discloses that target objects are presented to a user (see *Herz*, col. 5, lines 15-30), but the target objects are not presented to the user as a sender of a communication (for selection as a confirmed recipient).

Instead, in *Herz*, the target objects are presented to the user so that the user can select from among these potentially relevant target objects (see *Herz*, col. 5, lines 15-19) in order to maintain the accuracy of the user’s profile. For example, when the target objects are articles, *Herz* discloses that “[t]hese target objects can for example be articles that are received or potentially received by a user, who only has time to read a small fraction of them....The accuracy of this filtering system improves over time by noting which articles the user reads and by generating a measurement of the depth to which the user reads each article. This information is then used to update the user’s

target profile interest summary.” (*Herz*, col. 7, lines 25-29). Marketers may purchase these profiles in order to target advertisements to particular users. (*Herz*, col. 5, lines 61-63). Accordingly, *Herz* discloses that the user receives a communication, e.g. one of the target objects is email to receive (see *Herz*, col. 6, line 12), but *Herz* does not disclose that the user is a sender of a communication.

Admittedly, *Herz* discloses sending an email to potential members of a Virtual Community and providing instructions to join the Virtual Community. (*Herz*, col. 76, lines 32-34). However, *Herz* does not disclose or suggest either that a user sends this email or that a suggested recipient is presented to the sender of this email for selection as a confirmed recipient.

Rather, *Herz* is limited to disclosing that a Virtual Community Service sends an e-mail message to each pseudonym in a pre-community whose associated user does not already belong to the virtual community and has not previously turned down a request to join the virtual community. (*Herz*, col. 76, lines 28-32). The e-mail message informs the user, i.e. the recipient of the email, of the existence of the virtual community, and provides instructions which the user may follow in order to join the virtual community if desired. (*Herz*, col. 76, lines 32-34). Therefore, although recipients of the email may make a selection (i.e. choose whether to be part of a community), *Herz* does not disclose or suggest presenting the sender of the email any selection.

Additionally, claim 1 includes the limitation “identifying the potential recipient as a suggested recipient of the communication based on an evaluation of a correspondence

between content of the communication and content of the descriptive profile of the potential recipient” (emphasis added). *Herz* does not disclose or suggest this limitation.

Examiner cites *Herz*, “col. 5, lines 5-67 and col. 11, lines 5-51” as disclosing the above limitation. However, Applicants have examined *Herz*, including the above sections, and have found no disclosure or suggestion of “identifying the potential recipient as a suggested recipient of the communication based on an evaluation of a correspondence between content of the communication and content of the descriptive profile of the potential recipient,” as required by claim 1.

Rather, the sections cited by the Examiner are limited to disclosing that where the user is an advertiser and the target objects are potential customers, the *Herz* system may store attributes for each target object (potential customer). (*Herz*, col. 11, lines 12-16). According to *Herz*, these attributes form a profile of the target object, or a “target profile” (col. 9, line 67 to col. 10, line 2), and these target profiles may be summarized in a “target profile interest summary,” defined by *Herz* as a “summary of digital profiles of target objects that a user likes and/or dislikes.” (see *Herz*, col. 4, lines 56-59). *Herz* does not disclose an evaluation of a correspondence between content of these profiles of potential customers (which the Examiner may have interpreted as “descriptive profile of the potential recipient” of claim 1) and content of a communication.

Rather, *Herz* discloses evaluating a user’s target profile interest summaries against profiles of target objects. (*Herz*, Abstract and col. 6, lines 7-8). Accordingly, where the user is an advertiser and the target objects are potential customers, the advertiser’s target profile interest summary, which may allow the advertiser to target

advertising, for example (see col. 5, lines 61-63), and profiles of potential customers are evaluated. *Herz* does not disclose or suggest evaluating any actual communication (e.g. to a potential customer for targeted advertising) against profiles of potential customers.

Additionally, a “target profile interest summary” of *Herz* cannot be interpreted as the “communication” of claims 1, 14, 27 and 28. Target profile interest summaries are not addressed to any selected recipients (or any selected customers).

Therefore, *Herz*’s failure to disclose or suggest the limitation of “identifying the potential recipient as a suggested recipient of the communication based on an evaluation of a correspondence between content of the communication and content of the descriptive profile of the potential recipient.”

Therefore, *Herz* does not disclose or suggest either the limitation of “presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient” or the limitation of “identifying the potential recipient as a suggested recipient of the communication based on an evaluation of a correspondence between content of the communication and content of the descriptive profile of the potential recipient.”

Therefore, *Herz* fails to teach or suggest all of the limitations of Applicants’ claims. Accordingly, *Herz* does not anticipate independent claims 1, 14, 27 and 28. Claims 2-13 and 15-26 depend, directly or indirectly, from one of the foregoing independent claims. Therefore, *Herz* fails to anticipate claims 2-13 and 15-26 for at least the reasons discussed above with respect to claims 1, 14, 27 and 28. Withdrawal of the rejection is respectfully requested.

Conclusion

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Jordan Becker at (408) 720-8300.


Pursuant to 37 C.F.R. 1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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Date: _____

4/22/05


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Annotated Marked-up Drawings

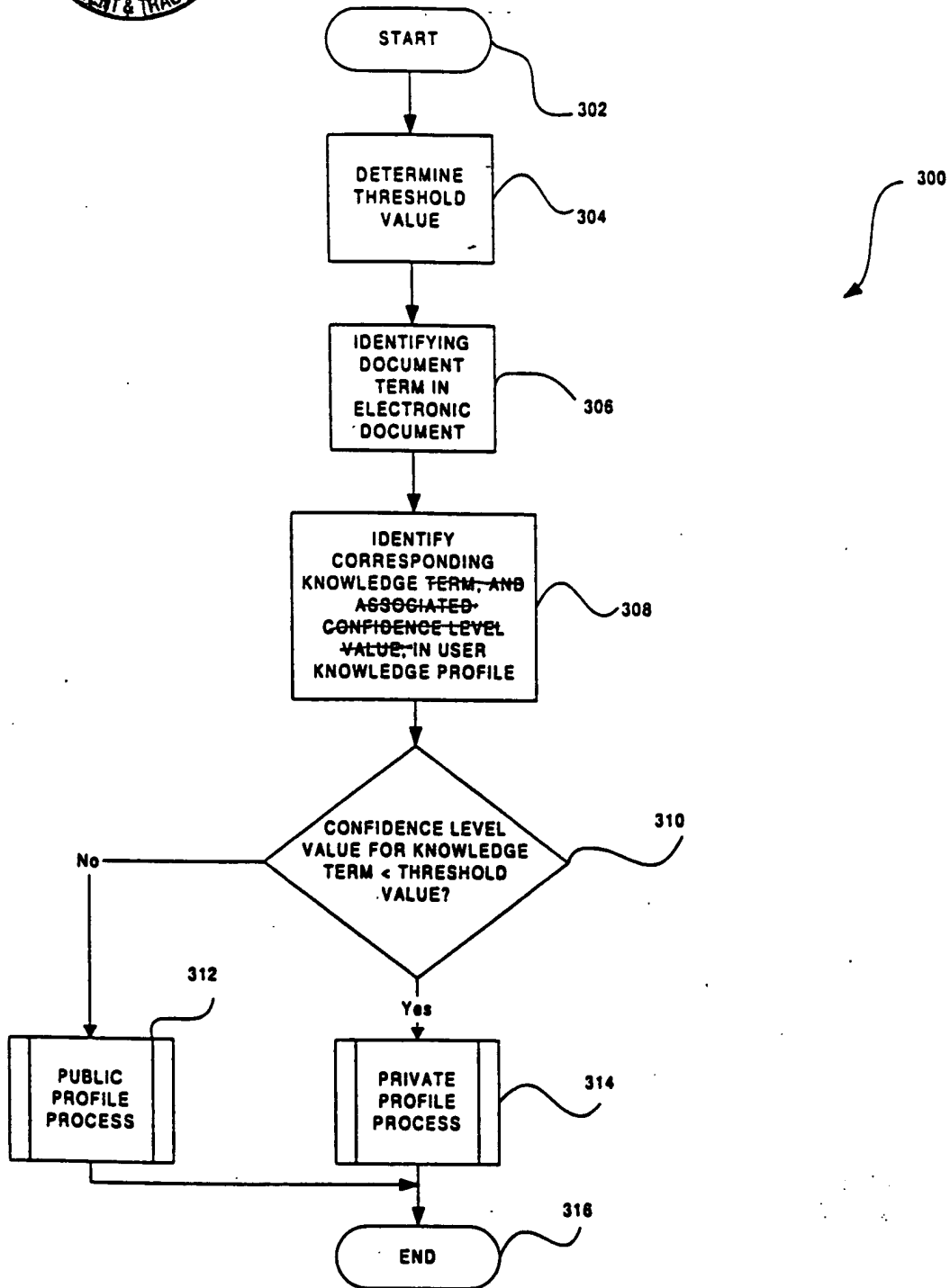


FIGURE 17A

Annotated Marked-up Drawings

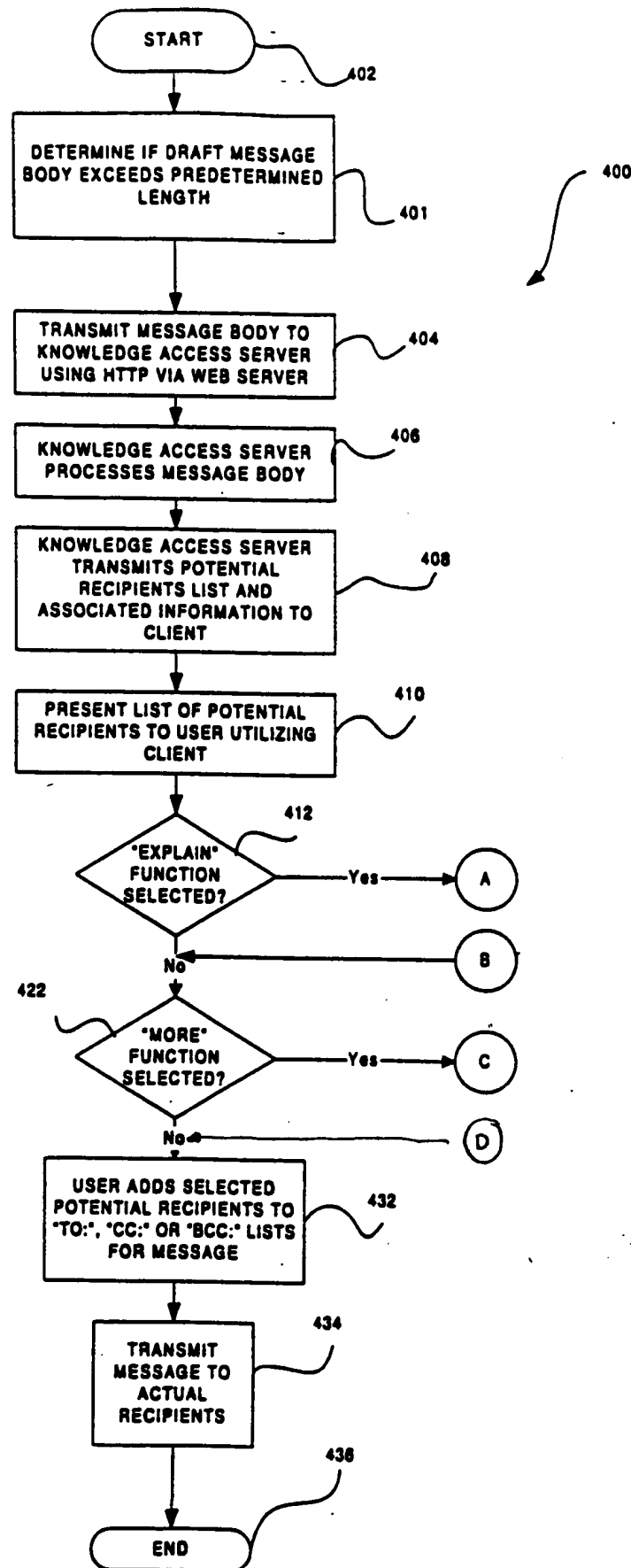


FIGURE 18A

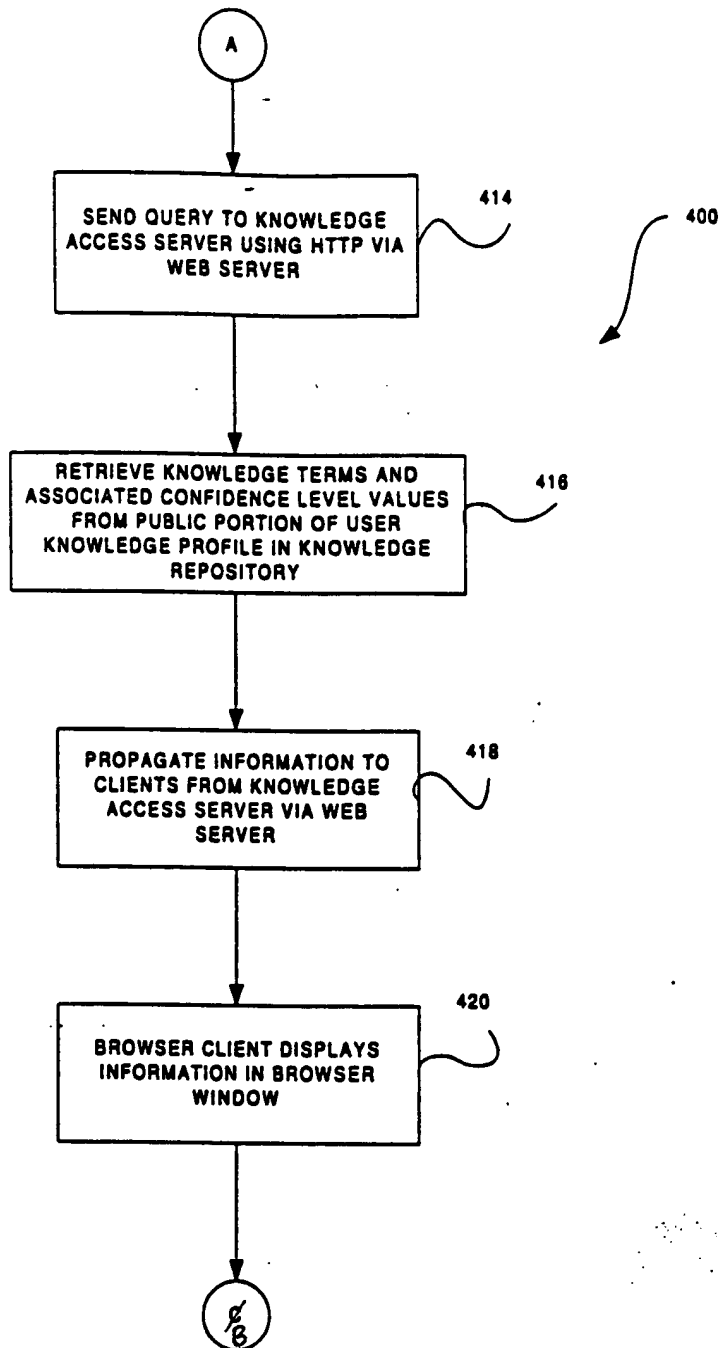


FIGURE 18B

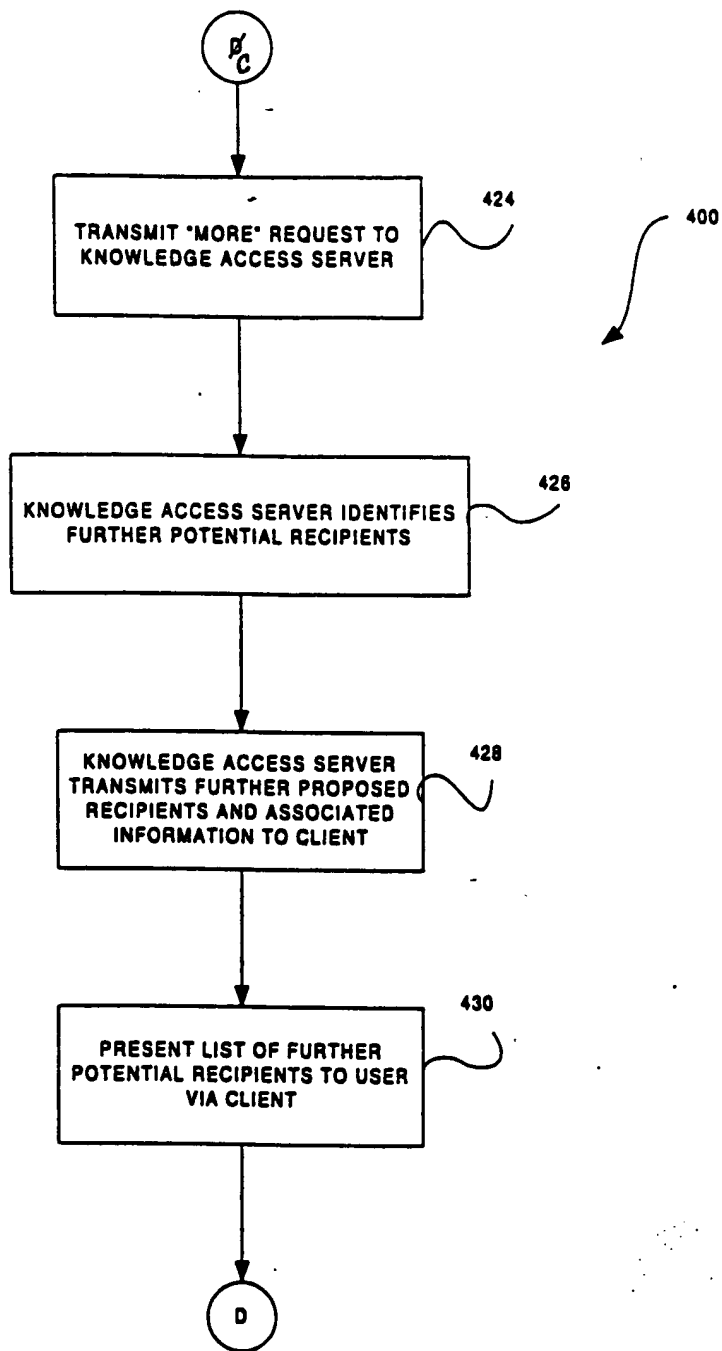


FIGURE 18C

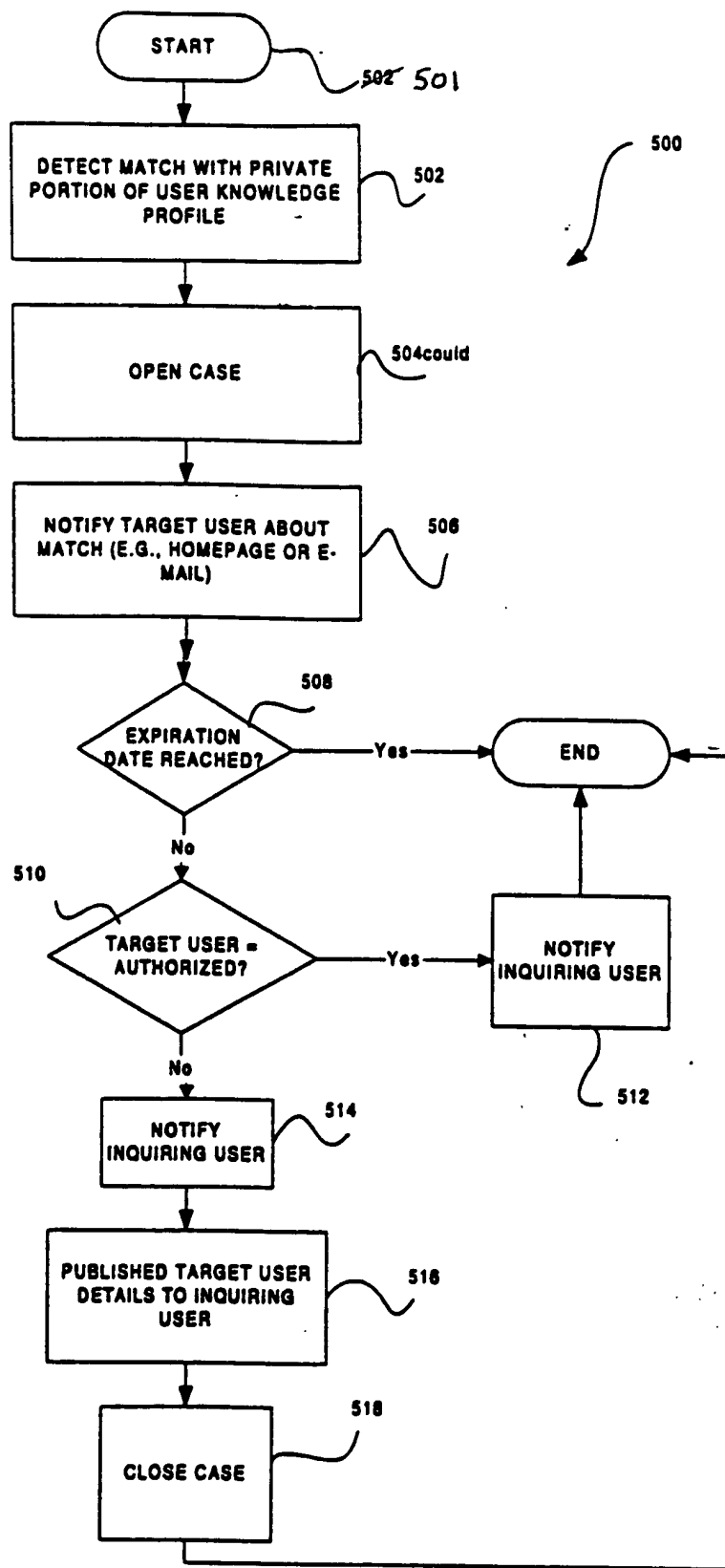


FIGURE 19